

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAKYM DURHAM	:	CIVIL ACTION
	:	
v.	:	NO. 20-3944
	:	
CITY OF PHILADELPHIA, <i>et al.</i>	:	

ORDER

AND NOW, this 7th day of May 2021, upon considering Defendants' Motion to depose the incarcerated Plaintiff (ECF Doc. No. 30), following today's noticed conference with Defendants' counsel, Plaintiff's Philadelphia County criminal counsel but without Plaintiff's counsel in this case who again failed to appear for our hearing (as he did March 12, 2021), and for good cause under Fed.R.Civ.P. 30(a)(2) to allow Defendants to depose the incarcerated Plaintiff and to amend our March 12, 2021 Order (ECF Doc. No. 28) as to prospective pretrial testimonial obligations given prejudice arising from pending criminal allegations in Pennsylvania state court which appear to include fleeing or attempting to elude a police officer at or around the same time as the allegations in this case, it is **ORDERED** Defendants' unopposed Motion (ECF Doc. No. 30) is **GRANTED** as to the deposition and we further **amend** our March 12, 2021 Order (ECF Doc. No. 28) as to limited prospective pretrial obligations::

1. All fact and expert discovery shall be served, noticed and completed by **June 18, 2021**.¹

¹ Should *all* parties wish to extend this *discovery* deadline *without extending any other deadline*, the parties may agree to do so without seeking leave of the Court.

2. Defendants are granted leave to depose Plaintiff Rakym Durham, PPN 1014840 no later than **June 25, 2021** at Curran-Fromhold Correctional Facility or at any transferee facility in our District by video on a date and time convenient for the parties and the Facility.

3. The parties shall timely respond to all outstanding discovery requests including those due next week.

4. Plaintiff's counsel shall file a Notice no later than **May 14, 2021** confirming he served a detailed written demand upon all parties claimed to be responsible for any claim of relief and received a response.

5. Summary judgment and *Daubert* motions, if any, shall be filed no later than **June 23, 2021**. Responses shall be filed in accord with the Local Rules and this Court's Policies and no later than **July 7, 2021**.

6. No later than **July 28, 2021**, counsel for each party shall exchange a list identifying each exhibit the party expects to offer at trial along with a reference to the Bates number or other identification of the documents used in discovery.

7. No later than **July 29, 2021**, each party shall file a pretrial memorandum compliant with our Policies.

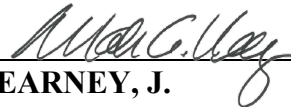
8. No later than **July 30, 2021**, each party shall file proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories, with an electronic copy e-mailed in Word format to Chambers_of_Judge_Kearney@paed.uscourts.gov.

9. All motions affecting trial presentations (e.g., *in limine*), proposed *voir dire* peculiar to your case, objections to proposed jury instructions, list of contested exhibits and deposition designations (providing the exhibits and highlighted designations to Chambers) shall be filed on

or before **August 2, 2021**. Responses, including highlighted counter-designations and objections, if any, shall be filed on or before **August 9, 2021**.

10. A final pretrial conference will be held telephonically on **August 12, 2021** at **8:15 A.M.** Counsel for Plaintiff shall initiate this call and timely call Chambers at 267-299-7680 when all counsel are on the line.

11. Counsel is attached for jury selection followed by a three-day trial beginning on **August 16, 2021** at **9:00 A.M.** in Courtroom 6-B.



KEARNEY, J.